

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ANDREW CARR
Plaintiff,

v.

DETECTIVE ALFRED JOHNSON, *et al.*
Defendants.

) CASE NO: 1:17-cv-00620
)
) JUDGE DONALD C. NUGENT
)
) KEITH E. KULAK RESPONSES TO:
) **PLAINTIFF'S SECOND DEMAND FOR**
) **INTERROGATORIES AND DEMAND**
) **FOR DOCUMENTS UPON DEFENDANT**
) **KEITH E. KULAK**
)

Now comes Defendant/Third Party Plaintiff Sergeant Keith E. Kulak, by and through counsel, and for his responses to Plaintiff's Second Set of Interrogatories and Requests for Production of Documents provides as follows:

INTERROGATORIES

Interrogatory Number 1: Indicate whether and to what extent you read the Search Warrant prior to its execution at 19409 Milan Drive, Maple Heights, Ohio on April 14, 2016.

ANSWER:

I did not have the opportunity to personally review the Search Warrant prior to its execution. That function is handled by the SEALE Team Commander who would have served as the liaison between SEALE Team and City of Cleveland Detective Alfred Johnson.

Interrogatory Number 2: Indicate whether and to what extent you read the Affidavit for Search Warrant prior to its execution at 19409 Milan Drive, Maple Heights, Ohio on April 14, 2016.

ANSWER:

Objection. To be entitled to qualified immunity, a police officer is not required to review the Affidavit in support of a Search Warrant. See *Messerschmidt v. Millender*, 565 U.S. 535, 132 S.Ct. 1235, 182 L.Ed.2d 47 (2012); *McLeod v. Benjamin*, 2016 WL 6947546 (W.D.Mich. 2016) (*Messerschmidt* suggests that officers must review the warrant itself for "glaring deficiencies," but need not read the underlying affidavit. *Id.* at 1250).



Without waiving the Objection, I did not have the opportunity to personally review the Affidavit in support of the Search Warrant prior to its execution. That function is handled by the SEALE Team Commander who would have served as the liaison between SEALE and City of Cleveland Detective Alfred Johnson.

Interrogatory Number 3: Indicate what you believed to be the nexus between the alleged criminal activity of Michael Menefield, the Search Warrant, and the home located at 19409 Milan Drive, Maple Heights, Ohio.

ANSWER:

I do not have a present recollection of Michael Menefield, nor the alleged criminal activity, which formed the basis for the Search Warrant. The SEALE Team was present to provide support to the City of Cleveland, which was the agency conducting the search.

DEMAND FOR PRODUCTION OF DOCUMENTS

Document Demand 1: Produce a true and accurate copy of any and all documents used at the SWAT briefing conducted prior to execution of the Search Warrant at 19409 Milan Drive, Maple Heights, Ohio on April 14, 2016.

RESPONSE:

The documents were produced in the original production of documents.

As to Objections:

/s/ Todd D. Cipollo
Todd D. Cipollo

Respectfully submitted,

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Attorney for Defendant Keith E. Kulak

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of September, 2018 a copy of the Keith E. Kulak's Responses to Plaintiff's Second Set of Interrogatories and Requests for Production of Documents were sent via electronic or regular U.S. Mail to the following:

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/s/ Todd D. Cipollo
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